

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
E911 Requirements for IP-Enabled)	WC Docket No. 05-196
Service Providers)	
)	



COMMENTS

I. Introduction

In these Comments, the American Cable Association (“ACA”) responds to the following E911-related questions in the Commission’s *NPRM*¹:

- Should the Commission require all terminal adaptors or other equipment used in the provision of interconnected VoIP service to be capable of providing location information automatically?²
- Should the Commission impose additional or more restrictive customer notification requirements relating to E911 on VoIP providers?³

In addressing these issues, the Commission should distinguish between the

¹ *In the Matters of IP-Enabled Services; E911 Requirements for IP-Enabled Service Providers, First Report and Order and Notice of Proposed Rulemaking*, WC Docket No. 04-36, WC Docket No. 05-196 (rel. June 3, 2005).

² *Id.* at ¶ 57.

fixed, at-home VoIP services provided by many cable operators, and portable VoIP applications. These services are very different. The Commission should not impose costly technical requirements appropriate only to portable VoIP applications on providers of fixed VoIP services. Similarly, the current customer notification requirements applicable to interconnected VoIP providers are tailored to portable VoIP providers, and may actually confuse consumers about the E911 capabilities offered by fixed E911 services versus traditional telephony. Requiring additional or more restrictive notifications would worsen the situation.

About the American Cable Association. ACA represents nearly 1,100 small and medium-sized cable companies that serve nearly 8 million cable subscribers, primarily in smaller markets and rural areas. ACA member systems are located in all 50 states, and in virtually every congressional district. The companies range from family-run cable businesses serving a single town to multiple system operators that focus on serving smaller markets. More than half of ACA's members serve fewer than 1,000 subscribers. All ACA members face the challenges of upgrading and operating broadband networks in lower-density markets. ACA members are leading the market in providing competitive VoIP services to smaller-market and rural subscribers.

II. The Commission should not impose costly and unnecessary technical requirements on fixed VoIP services.

The Commission has consistently emphasized the “paramount importance of encouraging deployment of broadband infrastructure to the American people,”⁴ and that

³ *Id.* at ¶ 59.

“VoIP in particular...will encourage consumers to demand more broadband connections....”⁵ The Commission has noted that its “aim in [the IP-Enabled] proceeding is to ... [apply] discrete regulatory requirements only where such requirements are necessary to fulfill important policy objectives”⁶ (emphasis added). To require that the equipment used for all interconnected VoIP services be capable of automatically providing location information is unnecessary for fixed VoIP services, which are not vulnerable to the same location information issues as portable VoIP applications. Further, such a requirement would put cable operators at an unwarranted regulatory disadvantage to companies offering traditional voice services, which have no such requirement.

Cable operators’ fixed VoIP services. Generally, cable operators’ services are configured so that the subscriber can make calls from a traditional home telephone, which is connected to a multimedia terminal adaptor (“MTA”). The MTA converts the subscriber’s analog call into IP, which is transported over the operator’s cable plant before being switched to the PSTN. The MTA cannot be used unless it is physically connected to the operator’s cable plant, and in many cases, the cable operator permanently affixes the MTA to the subscriber’s home or building. In contrast, providers of unfixed VoIP applications promote the easy portability of their services. For example, Vonage’s website reads: “The phone adapter available through Vonage is small and

⁴ *In the Matter of IP-Enabled Services, Notice of Proposed Rulemaking*, 19 FCC Rcd. 4863 (2004) at ¶ 3.

⁵ *Id.* at ¶ 5.

fully portable. Simply unplug the adapter and take it wherever you want it anywhere in the world.”⁷

Where subscriber location information is concerned, cable operators’ VoIP services are more like traditional voice offerings than the portable VoIP services. There is no legitimate reason in either the policy or public safety context to burden fixed VoIP providers with different location information requirements than traditional telephony providers. A requirement that all interconnected VoIP providers use equipment capable of providing automatic location information is unnecessary, and will raise the price of fixed VoIP services for consumers and discourage deployment of broadband connections and competitive services. ACA therefore recommends that the Commission narrowly tailor any automatic location information requirements to apply only to providers of portable VoIP services.

III. The Commission should not require additional or more restrictive subscriber notifications for fixed VoIP providers.

In its E911 rules for VoIP services, the Commission requires interconnected VoIP providers to warn subscribers of the circumstances when E911 service may not be available or may be limited in comparison to traditional E911 services. “Such circumstances include, but are not limited to, relocation of the end user’s IP-compatible CPE, use by the end user of a non-native telephone number, broadband connection failure, loss of electrical power and delays that may occur in making a Registered

⁶ *Id.*

⁷ See <http://www.vonage.com/features.php?feature=traveling> (viewed on August 14, 2005).

Location available in or through the ALI database.”⁸ These warnings were written with portable VoIP providers in mind, and may actually mislead fixed VoIP subscribers about the capabilities of their E911 service in comparison to traditional services.

As explained above, many cable operators’ VoIP services are designed and marketed to be used from a fixed location. Accordingly, relocation of the end user’s CPE and delays making a Registered Location available in the ALI database are no more issues for fixed VoIP services than they are for traditional telephony services. For the same reason, use of a non-native telephone number is generally not an issue. Further, loss of electrical power is often not a problem for fixed VoIP providers, many of whom provide their customers with MTAs with backup battery power.⁹ Finally, many cable operators’ fixed VoIP services do not transport calls over the Internet at all – calls are simply transported over the cable operator’s plant to the PSTN. Broadband connection failure is therefore not a problem for many fixed VoIP services.

To add additional or more restrictive warnings to a list that is already over-inclusive and inappropriate for fixed VoIP services will only mislead consumers more. Inappropriate warnings will dissuade many consumers from using a competitive voice solution that provides E911 services that are often as robust as many traditional E911 offerings. Instead, ACA recommends that the Commission tailor any customer notification requirements to type of VoIP service involved – fixed or portable.

⁸ 47 CFR § 9.5.

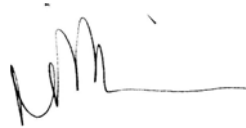
⁹ Ironically, loss of electrical power can be an issue for traditional E911 services if the customer is using a cordless phone, many of which do not have backup battery power.

IV. Conclusion

ACA strongly supports the Commission's efforts to ensure that VoIP offerings meet important public safety objectives. At the same time, ACA recommends that the Commission tailor its regulations carefully so as not to hamper the deployment of competitive broadband services by burdening fixed VoIP providers with regulations designed for portable VoIP services.

Respectfully submitted,

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